

CITY OF HOUSTON
REQUEST FOR PROPOSAL (RFP)
SOLICITATION NO.: S33-T25230

Date Issued: August 7, 2015

Pre-Proposal Conference: August 19, 2015 @ 10:00 A.M.
Strategic Purchasing Division
900 Bagby, Conference Room 2
Houston, TX 77002

**Pre-Proposal Questions
Deadline:** August 21, 2015 @ 2:00 P.M.

Solicitation Due Date: September 3, 2015 @ 2:00 P.M., CST

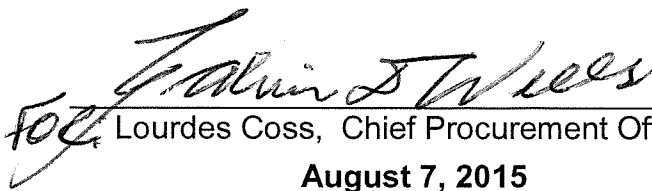
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Project Summary: Three year contract for Promotional and Assessment Testing Services for the Police Department, COH.

Project Description: This RFP is for the provision of all labor, materials, and equipment required provide for the custom fitting, supply and delivery of promotional and assessment testing for the ranks of Captain, Lieutenant, and Sergeant of Police.

NIGP Code: 918-75, 918,83 and 918-85

MWBE Goal: 11%



Lourdes Coss, Chief Procurement Officer
August 7, 2015

Date

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PART I – GENERAL INFORMATION

A. General Information

The City of Houston (“City”) wishes to solicit proposals from qualified proposers for Promotional and Assessment Testing Services.

B. City of Houston Background

The City of Houston is the fourth largest City in the United States comprising 23 departments with multiple locations throughout the City. The City has approximately 23,000 employees with approximately 500 employees involved in the procurement and/or contracting process. Contracts where the City must pay in excess of \$50,000 are routed to City Council for approval. The annual volume of contracts and purchase orders issued in the City in the last five years has ranged from 19,000 to 23,000.

As a point of reference, prospective proposers may refer to the City’s Procurement Manual and corresponding Purchasing Manual (currently under revision) for current processes. The manuals can be accessed at <http://purchasing.houstontx.gov/docs/SPD%20Procurement%20Manual.pdf> and http://purchasing.houstontx.gov/docs/Procurement_Manual.pdf. The City is looking for additional opportunities to streamline its processes through the implementation of technology.

C. Schedule

Listed below are the important dates for this Request for Proposal (RFP).

<u>EVENT</u>	<u>DATE</u>
Date RFP Issued (FR)	August 7, 2015
Pre-Proposal Conference (TH)	August 19, 2015 (10 a.m.)
Questions from Proposers Due	August 21, 2015 (1:00 p.m.)
Proposal Due from Proposer(s)	September 3, 2015 (2:00 p.m.)
Notification of Intent to Award (Estimated)	October 8, 2015
Council Agenda Date (Estimated)	November 4, 2015
Contract Start Date (Estimated)	December 1, 2015

PART II – SCOPE OF WORK/TECHNICAL SPECIFICATIONS

A. Purpose

The Houston Police Department (HPD) is seeking a Contractor(s) to provide turnkey services related to promotional and assessment testing for the ranks of Captain, Lieutenant, and Sergeant of Police.

B. Background

The written test and assessment center jointly comprises HPD's current method of choosing top qualified candidates for promotion. This process is in compliance with the 2015 "Meet and Confer Agreement" between the City of Houston and the Majority Bargaining Agent (MBA). A Subcommittee is assigned to oversee the promotional process for each rank.

HPD is composed of approximately 5223 classified and 1256 civilian personnel. The classified ranks include 938 Sergeants, 209 Lieutenants, 44 Captains, 10 Assistant Chiefs, 4 Executive Assistant Chiefs, and a Chief of Police (as of May, 2015). The City of Houston is the fourth largest city in the United States with, according to the 2010 census, a population of 2.1 million and occupying 579 square miles.

C. Minimum eligibility requirements and conditions for candidates

1. Before a classified employee may participate in any phase of the promotional examination process, the employee must have continuous service at the current rank for two years immediately prior to the final sign-up date for participation in the promotional process, calculated from the date of the vacancy which the candidate filled. The service period calculation excludes all temporary suspensions of ninety (90) days or more.

2. Captain's Test:

As a condition of eligibility to take the promotional examination for Captain, candidates for promotion must have obtained a bachelor's degree or higher from an accredited college or university prior to final sign-up date for the promotional examination. Proof must be provided by the date indicated in the exam notice. The last promotional test for the rank of Captain was given May 21, 2014. Of the eligible Lieutenants that year, 34 took the written test.

3. Lieutenant's Test:

As a condition of eligibility to take the promotional examination for Lieutenant, candidates for promotion must have obtained an associate's degree or higher, or 65 hours of coursework (excluding credit granted for life experience or training hours when no degree has been conferred) from an accredited college or university prior to the final sign-up date. Proof must be provided by the date indicated in the exam notice. The last promotional test for the rank of Lieutenant was given August 8, 2014. Of the eligible Sergeants that year, 107 took the written test.

4. Sergeant's Test:

Police officers shall not be eligible to take the promotional examination for the rank of Sergeant until they have completed at least 4 1/2 years of service calculated as 1,644 days from sworn date to the final sign-up date. The service period calculation excludes all temporary suspensions of ninety (90) days or more. The last promotional test for the rank of Sergeant was given July 25, 2014. Of the eligible officers that year, 615 took the written test.

A list of all candidates eligible to be tested shall be given to the contractor to determine the length of time necessary to perform the actual testing procedure. The City shall provide to the contractor the eligibility list and points for seniority/education/military that are available for each candidate.

The contractor shall not publish or furnish this information to anyone other than the Subcommittee or the Chief of Police.

D. Scope of Work

1. Technical Requirements

- 1.1 The contractor must perform a job task analysis with department subject matter experts (SMEs) to ascertain exactly what each examinee should know, what tasks and subtasks they are required to perform and how they are to be performed to meet performance standards for the ranks for which they are testing. If the existing job task analysis is determined to be invalid, the contractor, in conjunction with subject matter experts ("SMEs") must update the job analysis to ascertain exactly what each examinee should know, what tasks and subtasks they are required to perform and how they are to be performed to meet performance standards for the ranks for which they are testing.
- 1.2 The contractor must verify and document clear and direct linkages between identified knowledge, skills and abilities (KSAs) and the content of examination materials.
- 1.3 The contractor will be required to develop test plans and all test examination components that are in conjunction with the subject matter experts (SMEs).
- 1.4 The Contractor will be required to recommend source material based upon direct linkages between identified knowledge, skills and abilities (KSAs). Recommended source material may be used to develop all test items and clearly specify the necessary components of each for the specific rank. The Police Department reserves the right to make the final selection on all source materials that will be used to develop all examinations and item banks.
- 1.5 The contractor shall be required to maintain a sufficient test item bank for each examination. Test items must comply with strict psychometric standards to validate the skills, knowledge, and abilities of test candidates.
- 1.6 After test items are written, the entire bank of items must undergo a technical review by the contractor.
- 1.7 The contractor is required to determine ahead of time the criteria it will use for item acceptance and to demonstrate that it has adhered to these criteria in formulating the test item bank. Trained psychometricians should review the test item bank to eliminate questions that fail to accurately or consistently measure required knowledge, skills, and abilities. Care should be taken to prevent problematic or confusing language, or biased language. Finally, all test items in the item bank should be checked to ensure that the language structure is sound and that the items follow common rules of usage.
- 1.8 The Contractor shall develop an assessment center process, manage candidates for assessment, and oversee the entire selection process.

- 1.9 The Contractor may recommend Exam Source Materials for the written test but there is no requirement for the Department to utilize the recommended sources. The Contractor shall develop written test and assessment center exercises specifically for the ranks of HPD Captain, Lieutenant and Sergeant, based on job content and responsibility for each rank. This will include knowledge, skills and abilities (KSAs) determined by the job analysis.
- 1.10 The Contractor shall not utilize any questions from previously conducted promotional exams given to HPD or other agencies.
- 1.11 The Contractor shall validate all exam questions. The questions must be formulated directly from the Exam Source Materials listed on the official announcement.

2. Testing Site

- 2.1 The Contractor shall be responsible for coordinating and/or securing an appropriate venue.
- 2.2 Contractor will consult with the Chief of Police or his Designee for recommendations, feedback and final approval on venues prior to committing to contractual and financial obligations to secure and pay for venues. For the Captain test, there shall likely be at least 50 persons, with a maximum of 150 persons. For the Lieutenant test, there shall likely be at least 350 persons, with a maximum of 850 persons. For the Sergeant test, there shall likely be at least 600 persons, with a maximum of 1200 persons
- 2.3 The Contractor shall be responsible for providing the facility, monitors, proctors, and security for all phases of the written test. The Contractor shall provide a minimum of one monitor/proctor for every 20 candidates, or portion thereof, taking the written test. All materials for the test shall be provided by the Contractor. The Contractor shall provide high quality #2 pencils with good quality erasers, and shall provide at least three electronic test-grading machines. Each answer sheet shall have no more than 100 answer blanks. Six-foot tables shall be required with no more than two candidates seated at each table.

3. Orientation

- 3.1 The test developer shall conduct one or more orientation sessions for each rank of candidates prior to administering the assessment. Attendance at the orientation is strictly voluntary. Orientation session(s) do not need to be videotaped.
- 3.2 The Contractor shall submit the proposed location and time of the orientation(s) to each rank Subcommittee for approval.

4. Examination Notice

- 4.1 Examinations shall consist of written and assessment components. The written examination component shall be administered before the assessment center.
- 4.2 Notice of the examination is sufficient if posted prior to the ninetieth (90th) calendar day before the scheduled date of the examination. Exam study sources shall be posted between forty-five (45) and fifty (50) calendar days before the scheduled date of the exam, excluding the exam date and the announcement date.

- 4.3 The actual date of the examination may be rescheduled for up to sixty (60) days in the event of circumstances beyond the City's control, including but not limited to, extraordinary weather events or other emergencies, or loss of test venue. In the event of a rescheduling, no further notice of the examination is required other than the new time, place, and date of the rescheduled examination, notwithstanding Texas Local Government Code Chapter 143.029 and 143.107. Notice shall be provided at least thirty (30) days prior to the rescheduled examination date, unless otherwise approved by the LRC.
- 4.4 The City may schedule exams at its discretion so that examination of candidates does not impose operational or financial burdens upon the Department.

5. Assessor and Proctor Criteria

- 5.1 The test developer shall select the assessors to grade the assessment component who shall meet the following criteria:
 - 5.1.1 Equivalent rank to the promotion, or above, with service from cities with a population of 200,000 or greater;
 - a. Shall not reside in the Houston Standard Metropolitan Statistical Area;
 - b. Shall not be related to any candidate for promotion;
 - c. Shall not be personally known to any candidate for promotion;
 - d. Shall have at least two (2) years of experience in the rank being assessed or an equivalent rank; and,
 - e. Shall not be a current or former employee of the City of Houston, HPD, the MBA or any other HPD employee group.
- 5.2 The test developer shall also be responsible for hiring proctors who shall meet the following criteria:
 - 5.2.1 Shall not be related to any candidate for promotion;
 - 5.2.2 Shall not be personally known to any candidate for promotion;
- 5.3 The Contractor shall be required to submit a list of all assessors, proctors, and alternates, including name, rank, qualifications, and biography. The Chief of Police or his Designee shall have the right to refuse any of those listed above.
- 5.4 Proposer shall detail in their response the methodology that will be used to pre-pay assessor out-of-pocket expenses such as travel and meals. Please note that at a minimum per diem rates shall comply with GSA rates.

6. Majority Bargaining Agent (MBA) Observation

- 6.1 Process safeguards shall be implemented by the test administrator to identify and correct technical problems at their earliest possible instance and to manage, with the input of at least one (1) MBA representative and one (1) HPD representative, such technological complications in a systematic and fair approach. Prior to scoring by the assessors, each rank Subcommittee shall be responsible for determining whether to score an assessment exercise in the event an exercise must be eliminated.

- 6.2 Both HPD and the MBA shall each be entitled to have one (1) observer present during the administration of the Assessment Center, but shall not be permitted to observe any candidate's actual assessment exercises. Observers shall be subject to the security and safeguard procedures as determined by the test administrator and may be ejected by the test administrator for non-compliance with the same or for otherwise disrupting the assessment.
- 6.3 Both HPD and the MBA shall each be entitled to have one (1) observer present during any meetings with and during the training of assessors.
- 6.4 Both HPD and the MBA shall each be entitled to have one (1) observer present during scoring of assessment but shall not witness the actual scoring. If scoring is at a different location, both representatives can be present at scoring.

7. Written Exam

- 7.1 Prior to and after testing, the finalized examination shall be kept in a safe and secure manner by the test developer.
- 7.2 The test developer shall determine the point value for each exam item, provided that the points available for the written examination shall be one hundred (100) points and the points available for the assessment components shall be one hundred (100) points.
- 7.3 The written examination shall be no more than 100 questions. If any written exam question is eliminated, each candidate will receive full credit for the eliminated test item.
- 7.4 Questions shall be organized by source (i.e., all questions from a specific book shall be grouped together, with that source referenced at the beginning of the section). Further, a specific reference of the question's source (to include chapter, policy number or Article number) shall be printed on the test along with each question.
- 7.5 The written exam component shall be graded immediately and a written score provided to the participant immediately whenever practicable, but not more than 48 hours after the exam.
- 7.6 The Contractor shall provide a discussion session of the test questions after all participants have completed the test, and after the grades have been furnished. This session shall be videotaped by the Contractor.

8. Assessment

- 8.1 Assessments shall be used to test the knowledge, skills, and abilities of the candidates. The test developer shall establish assessment criteria using principles of validity. Assessments shall be video recorded for scoring purpose, although in the event of technical difficulties that impair the video recording, but do not impair the audio recording, then the audio alone will be scored.

- 8.2 The test administrator shall conduct assessments in the following manner:
- 8.2.1 Sergeant: The candidates shall be ranked in order of the highest ranked test scores on the written exam. The top 250 candidates on the Preliminary List shall be eligible to be assessed first, regardless of score. Tie breaker protocols as described in this Article shall apply. Additional assessments may occur in groups of 100 candidates in order of the Preliminary List. The Department may elect to assess multiple bands simultaneously as long as the bands are ranked separately.
 - 8.2.2 Lieutenant: all candidates shall be eligible to be assessed.
 - 8.2.3 Captain: all candidates shall be eligible to be assessed.
 - 8.2.4 The Department may require candidates to sign up for assessment prior to the assessment date in order to verify attendance at the assessment.
 - 8.2.5 Assessors shall score the assessment without regard to the candidate's race, color, gender, ethnicity, religion, age, disability, sexual orientation, genetic information, gender identity, pregnancy, national origin, or other legally protected characteristic. Each assessor shall receive written and oral admonitions regarding this point prior to commencing assessment scoring.
 - 8.2.6 The assessment may include a variety of exercises including, but not limited to the following exercises:
 - 8.2.6.1 In-Basket; Problem Solving/Analysis;
 - 8.2.6.2 Oral Resumes/Structured Interviews;
 - 8.2.6.3 Role-Playing
 - 8.2.6.4 Memo/Report Writing;
 - 8.2.6.5 Oral Presentation/Plan Preparation;
 - 8.2.6.6 Staff Meeting;
 - 8.2.6.7 Special Event/Operations; and,
 - 8.2.6.8 Others as they are established and determined to be reasonably valid predictors of job related characteristics.
- 8.3 The test developer is not required to utilize all of the exercises above, but may select the exercises or combine the listed exercises into one or more exercises that are best suited for the rank being assessed. The exercises must measure the critical KSAs and be valid predictors of successful job performance. An example of previous assessment center exercises shall also be requested.
- 8.4 Nothing in the assessment process may be appealed either to the Commission or to District Court. The final Assessment Center grade reached pursuant to this subsection shall be final and shall not be appealable.

9. Final Scores

9.1 The exam components during the term of this contract shall be weighted as follows:

Rank	Written Exam	Assessment	Score
Sergeant	50%	50%	100 x 50%; 100 x 50%
Lieutenant	50%	50%	100 x 50%; 100 x 50%
Captain	40%	60%	100 x 40%; 100 x 60%

9.2 After adding the final written examination score and the assessment score, the vendor shall add the supplemental points, as described below, to create a final official rank order eligibility list. The maximum a candidate can score is 113 points. The City will post a final official rank order eligibility list pending certification by the Commission. The final official rank order eligibility list shall then be forwarded to the Commission for certification.

9.3 The Department shall accept documentation of supplemental points up to, and including, the date of the written test. No proof of supplemental points will be accepted after such date. Candidates who do not provide documents required for supplemental points or do not timely provide such documents will not be awarded supplemental points.

9.4 Seniority, education and military points shall be calculated as of the date of the final sign-up for the promotional process.

9.5 A maximum of 13 supplemental points shall be awarded as follows:

9.5.1 Seniority Points to a maximum of 10 points; 1 point per completed year of classified service from Hire Date; and

9.5.2 Education Points to a maximum of 3 points: 1 point for a Bachelor's Degree, or 2 points for a Master's Degree, or 3 points for a Doctorate Degree; or

9.5.3 One (1) Military Point (but not both Education and Military) for minimum 24 month's service or honorable discharge from the United States Armed Forces or National Guard. Honorable Discharge from United States Armed Forces or National Guard must be reflected on DD214, or proof of active U.S. Armed Forces reservist or active National Guard Service reflected by unit assignment orders.

9.6 Any tie scores shall be broken by the tie-breaking procedures as follows in descending order:

9.6.1 On the basis of seniority in rank;

9.6.2 On the basis of seniority, calculated from employee's Hire Date;

9.6.3 By overall cadet class ranking;

9.6.4 Alphabetically, using the last name of the employee.

10. Candidate Review of Exam Materials

- 10.1 After the approval of the final official rank order eligibility list, a candidate may review only his/her own written exam and recorded assessment:
 - 10.1.1 No copies shall be provided, nor shall an individual copy or attempt to copy the recording by any manner;
 - 10.1.2 No candidate may view or copy another candidate's recording or examination grading; and
 - 10.1.3 No candidate may have any other individual present during the viewing session.
- 10.2 Any other right of access to exam material afforded by Chapter 143 is hereby preempted.

11. Appeals

- 11.1 A pre-appeal list of test scores shall be prepared and posted in a conspicuous place as identified in the exam notice.
- 11.2 Any officer who has taken a written promotional examination may review his/her examination results and file an appeal of any question(s) on the test and/or a rebuttal of any other candidate's appeal to each rank Subcommittee.
- 11.3 Candidates for Sergeant must appeal and rebut within five (5) business days after the day of the posting of the pre-appeal list.
- 11.4 Candidates for Lieutenant must appeal and rebut within four (4) business days after the day of the posting of the pre-appeal list.
- 11.5 Candidates for Captain must appeal and rebut within three (3) business days after the day of the posting of the pre-appeal list.
- 11.6 All appeals and rebuttals shall be filed with each rank Subcommittee at the location designated in the exam notice.
- 11.7 The appeals will be given to the test developer who shall respond to the appeal(s) and rebuttal(s) within five (5) business days and make a recommendation for a resolution of the question at issue to the appropriate rank Subcommittee.
- 11.8 Within five (5) business days after receiving the test developer's response, each rank Subcommittee shall determine the action to be taken, if any, on the question. The decision of each rank Subcommittee shall be final.
- 11.9 Following each rank Subcommittee's determination, a Preliminary List of test scores shall be prepared and posted within three (3) business days in the location as provided in the exam notice.

12. Promotional Lists and Appointments

- 12.1 Within 15 calendar days of the last assessment day, the Contractor shall submit a written report of each candidate's assessment center performance, and a copy of all candidates' video assessments to each rank Subcommittee. These reports shall discuss the candidate's strengths and weaknesses for each assessment center activity, and shall be format-ready for each rank Subcommittee to distribute to candidates.
- 12.2 For all promotional examinations, a final, official rank order eligibility list shall be created in accordance with Chapter 143 of the TLGC, as amended by this Article, and shall be certified by the Commission.
- 12.3 Eligibility lists shall remain in effect for two (2) years beginning on the date of the administration of the first exam component. Eligibility lists shall expire at 11:59 p.m. Central time on the last day of the two (2) year life of the list (for example: Written exam component given on January 1, 2012. List expires on December 31, 2014, at 11:59 p.m.).
- 12.4 Challenges to the Process
 - 12.4.1 The Contractor shall be responsible for the defense of all appeals and legal challenges of the process, and of the promotional list developed under this contract. The Contractor shall represent the City as an expert witness in all court proceedings and grievances throughout the process against all claims regarding the testing and assessment procedures.
 - 12.4.2 The Contractor shall be prepared, if necessary, to provide expert testimony before governing bodies, in a civil service hearing or in a court of law. Any required testimony shall be considered a part of the pricing Agreement resulting from the overall contract.

13. Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

- 13.1 If requested by the Director, Contractor shall provide additional written exams and assessments during the term of this agreement for returning service members who qualify pursuant to USERRA. The promotional test and assessment center shall be conducted in accordance with USERRA requirement.

14. Final Matters

- 14.1 The Contractor shall document the assessment center process in a formal report to be completed and submitted to each rank Subcommittee by the end of each rank testing process. Within 30 calendar days after the final list has been certified, a validation report on the written test and any appeals as well as the assessment process shall be submitted. This shall be provided to the Chief of Police and each rank Subcommittee.
- 14.2 The City shall retain ownership of all documents, written tests, assessment center exercises, video recordings, and reports developed through the terms of this contract.

E. Key Personnel

The Proposer shall identify the key personnel that will be committed to the project. The City reserves the right to reject any key personnel proposed if it is determined in the City's best interest. All key personnel must be committed to the project at the appropriate time level. Proposer understands that the qualifications and experience of key personnel proposed will be factored into the evaluation process; therefore, key personnel must not be replaced without the approval of the City. Any approved substitutions must be with personnel of equal or better qualifications. In addition, any other commitments must not conflict with the level of commitment proposed for this project.

F. Price

The City will consider the overall pricing for the comprehensive solution in its selection process.

PART III – MINIMUM PERSONNEL QUALIFICATIONS

The proposer shall possess professional qualifications and experience of at least five (5) years. With a demonstrated ability to provide such services to a large metropolitan law enforcement agency that is of similar size and complexity to that of the City of Houston.

PART IV – EVALUATION AND SELECTION PROCESS

An evaluation committee will evaluate responsive proposals in accordance with the evaluation criteria listed below. Upon completion of the evaluation, the committee may develop a short list of Proposer(s) meeting the technical competence requirements. Price proposals of those shortlisted will be evaluated once they are identified by the evaluation committee. The shortlisted Proposer(s) may be scheduled for a structured oral presentation, demonstration and/or interview. Such presentations will be at no cost to the City of Houston. At the end of the oral presentation, demonstration and/or interview, the evaluation of the shortlisted Proposer(s) will be completed. However, the evaluation committee reserves the right to issue letter(s) of clarification when deemed necessary to any or all Proposer(s). The oral presentations, demonstrations and/or interviews may be recorded and/or videotaped.

A. Interviews/Oral Presentations/Demonstrations

The City reserves the right to request and require that each Proposer provide a final presentation of its proposal at a scheduled date and time. No Proposer is entitled to this opportunity, and no proposer will be entitled to attend presentations of any other Proposer. The purpose of the presentations is to inform the work of the evaluation committee. If necessary, Proposers may be required to make more than one presentation or demonstration.

The City may provide to Proposers samples of documents for the purpose of preparing a demonstration. The goal of such documents is to enable the City to get a better idea regarding how the proposed system will handle the City's requirements and enable the Proposer to prepare a more targeted presentation.

B. Selection Process

Upon review of all information provided by shortlisted proposers, the evaluation committee will make a recommendation for selection to City officials. The City reserves the right to check references on any projects performed by the proposer whether provided by the proposer or known by the City. Selected proposal will be submitted for approval by the appropriate City officials. The City of Houston intends to select a proposal that best meets the needs of the City and provides the overall best value. Upon approval of the selected Proposer, a contract will be executed by the appropriate City officials.

Each proposal will be evaluated on the basis of the following evaluation criteria:

1. Responsiveness of Proposal

Proposal shall be responsive to all material requirements that will enable the evaluation committee to evaluate proposals in accordance with the evaluation criteria so as to make a recommendation to City officials.

2. Technical Competence

Extent to which proposed solution meet the needs of the City including but not limited to the desired requirements as expressed in this RFP.

- (a) Qualifications and specialized experience of the Proposer to successfully achieve and perform the services as evidenced by experience on proposal of similar projects and scope of magnitude. Preferably city, state, or other government entities.
- (b) Qualifications and specialized experience of key personnel proposed as evidenced by prior relevant experience and adequate of resources similar role as that proposal.
- (c) Quality of the overall proposed strategy and operational plan, including understanding of performing task aligned under technical requirements, sound methodology, workflow strategy, proposed plan of action and understanding of the services required in this proposal.
- (d) Quality, comprehensiveness and adequacy of proposal
- (e) Financial stability of the Proposer to successfully undertake the project and the ability to ensure performance over the duration of the contract, as evidenced by copies of its audited financial statements for the past two (2) years.
- (f) Quality of proposed M/WBE Participation aligned with the project scope.

3. Price Proposal

- (a) Reasonableness of the overall price for each required phase (1-6).

Proposer shall submit a price to include all components listed in Attachment A. An electronic version will be provided.

C. Best and Final Offer

City reserves the right to request a Best and Final Offer from finalist Proposer(s), if it deems such an approach necessary. In general, the Best and Final Offer would consist of updated costs as well as answers to specific questions that were identified during the evaluation of Proposals.

If City chooses to invoke this option, Proposals would be re-evaluated by incorporating the information requested in the Best and Final Offer document, including costs, and answers to specific questions presented in the document. The specific format for the Best and Final Offer would be determined during evaluation discussions. Turnaround time for responding to a Best and Final Offers document is usually brief (i.e., five (5) business days).

PART V – SUBMISSION OF PROPOSAL

A. Instructions for Submission

1. Number of Copies. **Six (6)** copies of the Proposal, one (1) printed original signed in BLUE ink, and additional **six (6)** electronic thumb drives are to be submitted in a sealed envelope bearing the assigned Solicitation Number, located on the first page of the RFP document to:

Chief Procurement Officer
City Hall
901 Bagby, Suite B300
Houston, Texas 77002

The City of Houston shall bear no responsibility for submitting responses on behalf of any Proposer. Proposer(s) may submit their Proposal to the Office of the Chief Procurement Officer any time prior to the stated deadline.

2. Time for submission. Proposals shall be submitted no later than the date and time indicated for submission in this RFP. Late submittals will not be considered and will be returned unopened.
3. Format. Proposal should be left-bound with information on both sides of the page when appropriate. Material should be organized following the order of the submission requirements separated by labeled tabs. Expensive paper and bindings are discouraged since no materials will be returned.
4. Complete submission. Proposers are advised to carefully review all the requirements and submit all documents and information as indicated in this RFP. Incomplete proposals may lead to a proposal being deemed non responsive. Non-responsive proposals will not be considered.
5. Packaging and Labeling. The outside wrapping/envelope shall clearly indicate the RFP Title and date and time for submission. It shall also indicate the name of the proposer. The Price Proposal shall be submitted in a separate sealed envelope. The envelope shall clearly identify the content as "Price Proposal". All other submission requirements shall be included with the Technical Proposal.
6. Timely delivery of Proposals. The Proposal, including the Technical Proposal, the Pricing Proposal and signed Contract, must be delivered by hand or sent to the City of Houston Chief Procurement Officer through U.S. Mail or other available courier services to the address shown on the cover sheet of this RFP. Include the RFP number on any package delivered or sent to the Chief Procurement Officer and on any correspondence related to the Proposal. If using an express delivery service, the package must be delivered to the designated building. Packages delivered by express mail services to other locations might not be re-delivered in time to be considered.

7. Late Proposals. The proposer remains responsible for ensuring that its Proposal is received at the time, date, place, and office specified. The City assumes no responsibility for any Proposal not so received, regardless of whether the delay is caused by the U.S. Postal Service, the courier delivery service, or some other act or circumstance.

B. Submission Requirements

The content should be identified by sections tabs, description, and page number and should include, at a minimum, the following sections:

1. Cover letter. The cover letter shall be signed by an authorized representative of the Proposer. The letter should indicate the Proposer's commitment to provide the services proposed. Also, the cover letter shall identify the members of the team that comprise the Proposer. Indicate the organizational relationship of the team members.
2. Executive Summary. The executive summary should include a brief overview of the solution proposed, the overall strategy for implementation, the key personnel who will be responsible for seeing the project through completion, and a rationale for proposing the software for implementation at the City. The executive summary shall also include the timeline for implementation and highlight any other requirements that are noted in the detailed proposed plan. Attach a proposed organization chart for the project. Also, please describe the proposed strategy to keep the System current as technology evolves and improves.
3. Proposed Strategy and Operational Plan. Provide a detailed proposed plan of action indicating how each technical requirement found in Part II, Section D, sub-sections 1-14 of this document will be met.
4. Qualifications of the Proposer. Include a brief description of the organization's track record, including history, number of employees, number of years in business, and a list of projects relevant to this RFP. Provide a list of references where a similar solution was implemented. Include the name of the contact person, name of the organization, dollar value of the project, address, telephone number and email address. Please provide at least three (3) references.
5. Key Personnel. Provide chronological resumes for each key personnel identified in the organization chart above. Provide copies of key personnel certifications and/or licenses. Also, include three (3) references of projects in which personnel performed in a similar role. References shall include: brief description of the project, dollar value, name of the organization, and contact information (name, telephone number, address, and email address).
6. Financial Stability. Provide the audited financial statements or Federal Tax Forms Filed to the Internal Revenue Service (IRS) for the past two (2) fiscal years. At a minimum, include the letter of opinion, balance sheet, schedules, and related auditor's notes.
7. M/WBE. Proposer shall identify the M/WBE participation level and the role that each M/WBE firm will have in the project implementation. Since M/WBEs proposed are considered part of the team, the Proposer shall include all relevant information necessary to effectively perform the evaluation of the proposal as it relates to the submission requirements listed in this section.
8. Legal Actions. Provide a list of any pending litigation and include a brief description of the reason for legal action.
9. Conflict of Interest. Provide information regarding any real or potential conflict of interest. Failure to address any potential conflict of interest upfront may be cause for rejection of the proposal.

10. Other. Submit any information the Proposer deems pertinent to demonstrating its qualifications to perform the services being requested such as memberships in any professional associations, documents, examples, and others.
11. Forms and Certifications: Complete all forms and certifications attached, as appropriate.
12. Price Proposal: Please submit price proposal with the level detail provided in Attachment A. Pricing form must be submitted in a separate sealed envelope labeled with the solicitation name and number and not be included in the hard or electronic copy of your proposal.
13. Certificate of Fact from the State of Texas
14. Other. Submit any information the Proposer deems pertinent to demonstrating its qualifications to perform the services being requested such as memberships in any professional associations.

Part VI – SPECIAL CONDITIONS

A. No Contact Period

Neither Proposer(s) nor any person acting on Proposer(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City of Houston, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated City Representative identified on the first page of the solicitation. Upon issuance of the solicitation through the pre-award phase and up to the date the City Secretary publicly posts notice of any City Council agenda containing the applicable award, aside from bidder's formal response to the solicitation, through the pre-award phase, written requests for clarification during the period officially designated for such purpose by the City Representative, neither Proposers(s) nor persons acting on their behalf shall communicate with any appointed or elected official or employee of the City of Houston, their families or staff through written or oral means in an attempt to persuade or influence the outcome of the award or to obtain or deliver information intended to or which could reasonably result in an advantage to any bidder. However, nothing in this paragraph shall prevent a bidder from making public statements to the City Council convened for a regularly scheduled session after the official selection has been made and placed on the City Council agenda for action, or to a City Council committee convened to discuss a recommendation regarding the solicitation.

B. Equal Opportunity Employment

The City of Houston Ordinance Section 15-17 establishes Equal Employment Opportunity Contract Compliance requirements for all City of Houston contracts involving the expenditure of Fifty Thousand Dollars (\$50,000) or more. Any contract for professional services that results from this RFP will provide that the failure to carry out the requirements set forth in the City of Houston Equal Employment Opportunity Program shall constitute a breach of contract and may result in termination of the agreement or contract. In addition, the City may take any such additional remedy as deemed appropriate.

C. Minority and Woman Business Enterprises (MWBE)

Contractor shall comply with the City's Minority and Women Business Enterprise ("MWBE") programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances. Contractor shall make good faith efforts to award subcontracts or supply agreements in at least the value stated in this Agreement to MWBE's. Contractor acknowledges that it has reviewed the requirements for good faith efforts on file with the City's Office of Business Opportunity (OBO) and will comply with them.

D. Protests

A protest shall comply with and be resolved, according to the City of Houston Procurement Manual http://purchasing.houstontx.gov/docs/Procurement_Manual.pdf and rules adopted thereunder. Protests shall be submitted in writing and filed with both, the City Attorney and the Solicitation contact person. A pre-award protest of the RFP shall be received five (5) days prior to the solicitation due date and a post-award protest shall be filed within five (5) days after City Council approval of the contract award.

1. A protest must be filed in accordance with the timing requirements set forth herein and must include:
 - a. the name, address, telephone number and email address of the protestor;
 - b. the number of the solicitation;
 - c. all information confirming that the protestor is an interested party;
 - d. a written statement of the grounds for the protest and the law, ordinance, or policy alleged to have been violated. The statement should be accompanied by relevant supporting documentation and the relief requested.
 - e. all information confirming the timeliness of the protest; and
 - f. the signature of the protestor

Protests shall be submitted to:
Chief Procurement Officer
City of Houston
901 Bagby, B300
Houston, TX 77002

2. The City recognizes three (3) types of protests:
 - a. Protests regarding solicitation (Pre-Bid Protest)
Any protest regarding a solicitation published by the City shall be filed no later than five (5) days before the opening of bids (if a competitive bid) or due date for submittals or proposals (if an RFP/RFQ), as appropriate. Any protest filed after the due date raising issues regarding the solicitation will not be considered.
 - b. Protests regarding the evaluation of bids, qualifications, or proposals (Pre-Award Protest)
Any protest regarding the evaluation of bids, qualifications, or proposals by the City must be filed no later than ten (10) days after:
 opening of bids (if a bid); or
 due date (if RFQ/RFP); or
 notification that the interested party's bid or proposal has been rejected.
Any protest received after the deadline will not be considered.
 - c. Protests regarding award of contract (Post-Award Protest)
Upon receipt of a timely and properly filed protest regarding the award of a contract, the City will not issue a notice to proceed or submit an order for goods until the protest has been resolved, provided such delay will not be detrimental to the interests of the City.

E. Criminal Justice Information Systems (CJIS) Compliance (Applicable to Houston Police Department (HPD) Occupied Facilities)

The Houston Police Department recognizes that by allowing physical or logical (electronic) access to HPD facilities or network resources, people may gain access to information or systems they are statutorily prohibited from accessing. To comply with state and federal regulations, the Houston Police Department is required to document and investigate access requests to be sure access is necessary and permitted. Bidders/Respondents, therefore, agree to review the Criminal Justice Information Systems (CJIS) process and related documents located at <http://www.houstontx.gov/police/cjis/hpdvendorcertification.htm> and shall comply with the terms and requirements therein.

PART VII – INSTRUCTIONS TO PROPOSERS

A. Pre-Proposal Conference

A Pre-Proposal Conference will be held at the date, time, and location as indicated on the first page of the RFP document. Interested Proposer(s) should plan to attend. It will be assumed that potential Proposer(s) attending this meeting have reviewed the RFP in detail, and are prepared to bring up any substantive questions not already addressed by the City.

B. Additional Information and Specification Changes

Requests for additional information and questions should be addressed to the Finance Department, Strategic Procurement Division Buyer Conley Jackson, telephone: 832.393.8733, fax: 832.393. 8759, or e-mail (preferred method to): conley.jackson@houstontx.gov no later than 2:00 PM, CST August 21, 2015. The City of Houston shall provide written responses to all questions received in writing before the submittal deadline. Questions received from all Proposer(s) shall be answered and sent to all Proposer(s) who are listed as having obtained the RFP. Proposer(s) shall be notified in writing of any changes in the specifications contained in this RFP.

C. Letter(s) of Clarification

1. All Letters of Clarification and interpretations to this Solicitation shall be in writing. Any Letter of Clarification(s) or interpretation that is not in writing shall not legally bind the City of Houston. Only information supplied by the City of Houston in writing or in this RFP should be used in preparing Proposal responses.
2. The City does not assume responsibility for the receipt of any Letters of Clarification sent to Proposer(s).

D. Examination of Documents and Requirements

1. Each Proposer shall carefully examine all RFP documents and thoroughly familiarize themselves with all requirements prior to submitting a Proposal to ensure that the Proposal meets the intent of this RFP.
2. Before submitting a Proposal, each Proposer shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Proposer from obligation to comply, in every detail, with all provisions and requirements of the RFP.

E. Exceptions to Terms and Conditions

1. All exceptions included with the Proposal shall be submitted in a clearly identified separate section of the Proposal in which the Proposer clearly cites the specific paragraphs within the RFP where the Exceptions occur. Any Exceptions not included in such a section shall be without force and effect in any resulting contract unless such Exception is specifically referenced by the Chief Procurement Officer, City Attorney, Director(s) or designee in a written statement. The Proposer's preprinted or standard terms will not be considered by the City as a part of any resulting contract.
2. All Exceptions that are contained in the Proposal may negatively affect the City's Proposal evaluation based on the evaluation criteria as stated in the RFP, or result in possible rejection of Proposal.

F. Post-Proposal Discussions with Proposer(s)

It is the City's intent to commence final negotiation with the Proposer(s) deemed most advantageous to the City. The City reserves the right to conduct post-Proposal discussions with any Proposer(s).

PART VIII – REQUIRED FORMS TO BE SUBMITTED WITH PROPOSAL

- A. Offer and Submittal, List of References and List of Proposed Subcontractors (Exhibit I)
- B. Signed M/WBE Forms: Attachment "A" Schedule of M/WBE Participation, Attachment "B", Notice of Intent, Attachment "C", Certified M/WBE Subcontract Terms, Attachment "D" Office of Business Opportunity and Contract Compliance M/WBE Utilization Report (Exhibit II)
- C. Fair Campaign Ordinance Form "A" (Exhibit III)
- D. Affidavit of Ownership or Control (Exhibit IV)
- E. Anti-Collusion Statement (Exhibit V)
- F. Conflict of Interest Questionnaire (Exhibit VI)

PART IX – REQUIRED FORMS TO BE SUBMITTED BY AWARDED VENDOR ONLY

Required forms shall be supplied to the vendor after award.

- A. Insurance Requirements and Sample Insurance Certificate (Exhibit VII)
- B. Drug Compliance Agreement Attachment "A", Drug Policy Compliance Declaration Attachment "B" and Contractor's Certification of No Safety Impact Positions Attachment "C" and "D" (Exhibit VIII)
- C. City Contractors' Pay or Play Acknowledgement Form and Pay or Play Certificate Agreement, Play or Pay Program Acknowledgment Form "1" (Exhibit IX)
- D. Hire Houston First Affidavit (Download Copy at <http://www.houstontx.gov/obo/hirehoustonfirst.html> and submit to Office of Business Opportunity, Houston Business Solutions Center via e-mail to houstonbsc@houstontx.gov or fax to 832-393-0650 or submit copy with proposal.
- E. Requested Information Outlined in the Scope of Work and Other Additional Relevant/Supporting Information or Alternate Proposals.

ATTACHMENT A Pricing Form

Solely for the purpose of evaluating the Proposal, please complete the following pricing form. In the event of any additional services associated with this project, the rates charged shall not exceed those indicated below.

On the indicated lines, please provide your Payroll Rate and Billable Rate for each category. The Payroll Rate is defined as the actual hourly rate your company pays each employee or contractor. The Billable Rate is the rate your company charges the City for services. Any costs not provided in the cost proposal will be assumed as no charge to the City.

The following first phase has been provided as an **example only**. Actual working copy can be found on solicitation website.

PRICING FORM MUST BE SUBMITTED IN A SEPARATE SEAL ENVELOP LABELED WITH THE SOLICITATION NAME AND NUMBER AND NOT BE INCLUDED IN THE HARD OR ELECTRONIC COPY OF YOUR PROPOSAL.

Phase 1 - JOB ANALYSIS					
Tasks	Number of Task Hours per each Staff Personnel				Cost
	Consultant	Associate Consultant	Technical Writer	Administrative Assistant	
On-site observations and interviews	6	6	3		
Prepare job analysis questionnaire	6	3			
Job analysis report	4	7			
Administration		3		3	
Total Staff Hours	16	19	3	3	
Hourly Rate	\$100	\$80	\$60	\$40	
Total Staff Costs	\$1,600	\$1,520	\$180	\$120	\$3,420
Expenses					
Travel Costs	\$1,500				
Printing Costs	\$100				
Total Expenses					\$1,600
Total - Rank Job Analysis					\$5,020

Phase 2 - WRITTEN EXAMINATION					
Tasks	Number of Task Hours per each Staff Personnel				
	Staff Title	Staff Title	Staff Title	Staff Title	Cost
Total Staff Hours					
Hourly Rate					
Total Staff Costs					
Expenses					
Total Expenses					
Total - Written Examination					

Phase 3 - ASSESSMENT					
Tasks	Number of Task Hours per each Staff Personnel				
	Staff Title	Staff Title	Staff Title	Staff Title	Cost
Total Staff Hours					
Hourly Rate					
Total Staff Costs					
Expenses					
Total Expenses					
Total - Assessment					

Phase 4 - APPEALS					
Tasks	Number of Task Hours per each Staff Personnel				
	Staff Title	Staff Title	Staff Title	Staff Title	Cost
Total Staff Hours					
Hourly Rate					
Total Staff Costs					
Expenses					
Total Expenses					
Total - Appeals					

Phase 5 - USERRA					
Tasks	Number of Task Hours per each Staff Personnel				
	Staff Title	Staff Title	Staff Title	Staff Title	Cost
Total Staff Hours					
Hourly Rate					
Total Staff Costs					
Expenses					
Total Expenses					
Total - USERRA					

Phase 6 - LITIGATION/EXPERT WITNESS					
Tasks	Number of Task Hours per each Staff Personnel				
	Staff Title	Staff Title	Staff Title	Staff Title	Cost
Total Staff Hours					
Hourly Rate					
Total Staff Costs					
Expenses					
Total Expenses					
Total - Litigation/Expert Witness					

EXHIBIT I

OFFER AND SUBMITTAL, REFERENCES, PROPOSED SUBCONTRACTORS

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**EXHIBIT I
OFFER AND SUBMITTAL**

NOTE: PROPOSAL MUST BE SIGNED AND NOTARIZED BY AN AUTHORIZED REPRESENTATIVE(S) OF THE PROPOSER, WHICH MUST BE THE ACTUAL LEGAL ENTITY THAT WILL PERFORM THE CONTRACT IF AWARDED AND THE TOTAL FIXED PRICE CONTAINED THEREIN SHALL REMAIN FIRM FOR A PERIOD OF ONE-HUNDRED EIGHTY (180) DAYS.

"THE RESPONDENT WARRANTS THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED OR RETAINED TO SOLICIT OR SECURE THIS CONTRACT UPON AN AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE, OR CONTINGENT FEE, EXCEPTING BONA FIDE EMPLOYEES. FOR BREACH OR VIOLATION OF THIS WARRANTY, THE CITY SHALL HAVE THE RIGHT TO ANNUL THIS AGREEMENT WITHOUT LIABILITY OR, AT ITS DISCRETION, TO DEDUCT FROM THE CONTRACT PRICES OR CONSIDERATION, OR OTHERWISE RECOVER THE FULL AMOUNT OF SUCH COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE."

Respectfully Submitted:

(Print or Type Name of Contractor – Full Company Name)

City of Houston Vendor No. (If already doing business with City):

Federal Identification Number:

By: _____
(Signature of Authorized Officer or Agent)

Printed Name: _____

Title: _____

Date: _____

Address of Contractor: _____
Street Address or P.O. Box

City – State – Zip Code

Telephone No. of Contractor: (____) _____

Signature, Name and title of Affiant: _____

(Notary Public in and for)

_____ County, Texas

My Commission Expires: _____ day of _____ 20_____

**EXHIBIT I
REFERENCES
LIST OF PREVIOUS CUSTOMERS**

1. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
System Description: _____

2. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
System Description: _____

3. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
System Description: _____

4. Name: _____ Phone No.: _____
Address: _____
Contract Award Date: _____ Contract Completion Date: _____
Contract Name/Title: _____
System Description: _____

EXHIBIT I
LIST OF SUBCONTRACTOR(S)

The following is a list of Subcontractors we propose to engage on the following items of Work. Any item of Work which does not designate a Subcontractor will be done by the firm submitting the Proposal.

[illegible]

**EXHIBIT II
ATTACHMENT "A"
SCHEDULE OF M/WBE PARTICIPATION**

DATE OF REPORT: _____

BID NO.: _____

FORMAL BID TITLE: _____

NAME OF MINORITY/WOMEN SUBCONTRACTOR	OFFICE OF BUSINESS OPPORTUNITY CERTIFICATION NO.	STREET ADDRESS AND CITY, STATE, ZIP CODE	TELEPHONE NO.	SCOPE OF WORK	AGREED PRICE
TOTAL.....					\$_____
M/WBE PARTICIPATION AMOUNT.....					\$_____%
TOTAL BID AMOUNT.....					\$_____

IF YOU HAVE USED YOUR BEST EFFORTS TO CARRY OUT THE CITY'S M/WBE POLICY BY SEEKING SUBCONTRACTS AND SUPPLY AGREEMENTS WITH MINORITY AND WOMEN BUSINESS ENTERPRISES, YET FAILED TO MEET THE STATED PERCENTAGE GOAL OF THIS BID DOCUMENT, LIST BELOW YOUR GOOD FAITH EFFORTS FOR COMPLIANCE (DEFINITION OF REQUIREMENTS CAN BE OBTAINED THROUGH THE OFFICE OF BUSINESS OPPORTUNITY AT (713) 837-9000).

THE UNDERSIGNED WILL ENTER INTO A FORMAL AGREEMENT WITH THE MINORITY AND/OR WOMEN SUBCONTRACTORS AND SUPPLIERS LISTED IN THIS SCHEDULE CONDITIONED UPON AWARD OF A CONTRACT FROM THE CITY.

NOTE:
ALL FIRMS LISTED ABOVE MUST BE CERTIFIED (OR ELIGIBLE FOR CERTIFICATION) BY THE OFFICE OF BUSINESS OPPORTUNITY.
THIS SCHEDULE OF M/WBE PARTICIPATION SHOULD BE RETURNED, IN DUPLICATE, WITH THE BID FORM.

BIDDER COMPANY NAME

SIGNATURE OF AUTHORIZED OFFICER OR AGENT OF BIDDER

NAME (TYPE OR PRINT)

TITLE

**EXHIBIT II
ATTACHMENT "B"
OFFICE OF BUSINESS OPPORTUNITY AND
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT

NOTICE OF INTENT**

THIS AGREEMENT IS SUBJECT TO MEDIATION AND CAN BE INITIATED BY THE COMPANIES SIGNED BELOW OR THE OFFICE OF BUSINESS OPPORTUNITY.

To: City of Houston
Administering Department

Date: _____

Project Name and Number _____

Bid Amount: _____ M/W/SBE Goal: _____

_____, agrees to enter into a contractual agreement with
Prime Contractor

_____, who will provide the following goods/services in connection
MWSBE Subcontractor

with the above-referenced contract:

for an estimated amount of \$ _____ or _____ % of the total contract value.

_____ is currently certified with the City of Houston's Office of Business
(M/W/SBE Subcontractor) Opportunity to function in the aforementioned capacity.

_____ Intend to
Prime Contractor M/W/SBE Subcontractor

work on the above-named contract in accordance with the M/W/DBE Participation Section of the City of Houston Bid Provisions, contingent upon award of the contract to the aforementioned Prime Contractor.

Signed (Prime Contractor)

Signed (M/W/SBE Subcontractor)

Printed Signature

Printed Signature

Title

Date

Title

Date

**EXHIBIT II
ATTACHMENT “C”
CERTIFIED M/WBE SUBCONTRACT TERMS**

CITY OF HOUSTON CERTIFIED MWSBE SUBCONTRACT TERMS

Contractor shall ensure that all subcontracts with M/WSBE subcontractors and suppliers are clearly labeled **“THIS CONTRACT IS SUBJECT TO MEDIATION”** and contain the following terms:

1. _____(M/WSBE subcontractor) shall not delegate or subcontract more than 50% of the work under this subcontract to any other subcontractor or supplier without the express written consent of the City of Houston’s Office of Business Opportunity Director (“the Director”).
2. _____(M/WSBE subcontractor) shall permit representatives of the City of Houston, at all reasonable times, to perform 1) audits of the books and records of the subcontractor, and 2) inspections of all places where work is to be undertaken in connection with this subcontract. Subcontractor shall keep such books and records available for such purpose for at least four (4) years after the end of its performance under this subcontract. Nothing in this provision shall affect the time for bringing a cause of action or the applicable statute of limitations.
3. Within five (5) business days of execution of this subcontract, Contractor (prime contractor) and Subcontractor shall designate in writing to the Director an agent for receiving any notice required or permitted to be given pursuant to Chapter 15 of the Houston City Code of Ordinances, along with the street and mailing address and phone number of such agent.

These provisions apply to goal-oriented contracts. A goal-oriented contract means any contract for the supply of goods or non-professional services in excess of \$100,000.00 for which competitive proposals are required by law; not within the scope of the MBE/WBE/SBE program of the United States Environmental Protection Agency or the United States Department of Transportation; and which the City Chief Procurement Officer has determined to have significant MWSBE subcontracting potential in fields which there are an adequate number of known MBEs , WBE’s, and or SBE’s (if applicable) to compete for City contracts.

The MWSBE policy of the City of Houston will be discussed during the pre-proposal conference. For information, assistance, and/or to receive a copy of the City’s Affirmative Action Policy and/or Ordinance, contact the Office of Business Opportunity Division at 832.393.0600, 611 Walker Street, 7th Floor, Houston, Texas 77002.

**EXHIBIT II
ATTACHMENT "D"
OFFICE OF BUSINESS OPPORTUNITY AND
CONTRACT COMPLIANCE M/WBE UTILIZATION REPORT**

Report Period: _____

PROJECT NAME & NUMBER: _____

AWARD DATE: _____

PRIME CONTRACTOR: _____

CONTRACT NO.: _____

ADDRESS: _____

CONTRACT AMOUNT: _____

LIAISON/PHONE NO.: _____

M/WBE GOAL: _____

M/WBE SUB/VENDOR NAME	DATE OF OBO CERTIFICATION	DATE OF SUBCONTRACT	SUBCONTRACT AMOUNT	% OF TOTAL CONTRACT	AMOUNT PAID TO DATE	% OF CONTRACT TO DATE

Use additional pages if needed. Submit by the 15th day of the following month.
Provide support documentation on all revenues paid to end of the report period to:
M/WBE's to reflect up/down variances on Contract amount.

Office of Business Opportunity
ATTN: Carlecia Wright 713-837-9000
611 Walker, 7th Floor
Houston, Texas 77002

EXHIBIT III
FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers and officers-elect). All respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 18 as amended relating to the contribution and solicitation of funds for election campaigns. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Candidates for city office may neither solicit nor receive contributions except during a period commencing 270 calendar days prior to an election date for which a person is a candidate for such office and ending 90 calendar days after the election date, including run-off elections if such candidate is on the ballot.

Further, it shall be unlawful either for any person who submits a Bid or Proposal to contribute or offer any contribution to a candidate or for any candidate to solicit or accept any contribution from such person for a period commencing at the time of posting of the City Council Meeting Agenda including an item for the award of the Contract and ending upon the 30th day after the award of the Contract by City Council.

For the purposes of this Ordinance, a **Contract** is defined as each Contract having a value in excess of \$30,000 that is let by the City for professional services, personal services, or other goods or services of any other nature whether the Contract is awarded on a negotiated basis, request for Proposal basis, competitive Proposal basis or formal sealed competitive Bids. The term **Contractor** includes proprietors of proprietorships, partners having an equity interest of 10% or more of partnerships, (including limited liability partnerships and companies), all officers and directors of corporations (including limited liability corporations), and all holders of 10% or more of the outstanding shares of corporations.

A STATEMENT DISCLOSING THE NAMES AND BUSINESS ADDRESSES EACH OF THOSE PERSONS WILL BE REQUIRED TO BE SUBMITTED WITH EACH BID OR PROPOSAL FOR A CITY CONTRACT.

Completion of the attached form entitled "**Contractor Submission List**" will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

EXHIBIT III
FORM "A": FAIR CAMPAIGN

CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers-elect) during a certain period of time prior to and following the award of the Contract by the City Council. The term "Contractor" Includes proprietors of proprietorships, partners or joint venture's having an equity interest of 10 percent or more for the partnership or Joint venture, and officers, directors and holders of 10 percent or more of the outstanding shares of corporations. A statement disclosing the names and business addresses of each of those persons will be required to be submitted with each Bid or Proposal for a City Contract. See Chapter 18 of the Code of Ordinances, Houston, Texas, for further information.

This list is submitted under the Provisions of Section 18-36(b) of the Code of Ordinances, Houston, Texas, in connection with the attached Proposal, submission or bid of:

Firm or Company Name: _____

Firm or Company Address: _____

The firm/company is organized as a (Check one as applicable) and attach additional pages if needed to supply the required names and addresses:

☐ **SOLE PROPRIETORSHIP**

Name _____	_____
Proprietor	Address

☐ **A PARTNERSHIP**

List each partner having equity interest of 10% or more of partnership (if none state "none"):

Name _____	_____
Partner	Address

Name _____	_____
Partner	Address

☐ **A CORPORATION**

List all directors of the corporation (if none state "none"):

Name _____	_____
Director	Address

Name _____	_____
Director	Address

Name _____	_____
Director	Address

List all officers of the corporation (if none state "none"):

Name _____
Officer Address

Name _____
Officer Address

Name _____
Officer Address

List all individuals owning 10% or more of outstanding shares of stock of the corporation (if none state "none"):

Name _____
Address

Name _____
Address

Name _____
Address

I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.

Preparer

Printed Name

Title

Note: This list constitutes a **government record** as defined by § 37.01 of the Texas Penal Code.

8/23/01

EXHIBIT IV:
CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE

City Council requires knowledge of the identities of the owners of entities seeking to Contract with the City in order to review their indebtedness to the City prior to entering Contracts. Therefore, all respondents to this Invitation to Bid must comply with Houston Code of Ordinances Chapter 15, as amended (Sections 15-122 through 15-126) relating to the disclosure of owners of entities bidding on, proposing for or receiving City contracts. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Contracting entity means a sole proprietorship, corporation, non-profit corporation, partnership, joint venture, limited liability Company, or other entity that seeks to enter into a contract requiring approval by the Council but excluding governmental entities.

A contracting entity must submit at the time of its Bid or Proposal, an affidavit listing the full names and the business and residence addresses of all persons owning five percent or more of a contracting entity or, where a contracting entity is a non-profit corporation, the full names and the business and residence addresses of all officers of the non-profit corporation.

Completion of the "**Affidavit of Ownership or Control**," included herein, and submitted with the Official Bid or Proposal Form will satisfy this requirement. Failure to provide this information may be just cause for rejection of your Bid or Proposal.

**EXHIBIT IV:
AFFIDAVIT OF OWNERSHIP OR CONTROL**

ORIG. DEPT.: _____

FILE/I.D. NO.: _____

INSTRUCTION: ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE SUCH FACT TO AVOID REJECTION OF THE AFFIDAVIT. THE FOLLOWING FORMAT IS RECOMMENDED: CORPORATE/LEGAL NAME DBA ASSUMED NAME.

STATE OF _____ §

§

AFFIDAVIT OF OWNERSHIP OR CONTROL

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____ [FULL NAME] (hereafter "Affiant"),

_____ [STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of

_____ [CONTRACTING ENTITY'S

CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.

2. Contracting Entity seeks to do business with the City in connection with _____ [DESCRIBE PROJECT OR MATTER] which is expected to be in an amount that exceeds \$50,000.

3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.

4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

FOR PROFIT ENTITY:

NON-PROFIT ENTITY:

☐ SOLE PROPRIETORSHIP

☐ NON-PROFIT CORPORATION

☐ CORPORATION

☐ UNINCORPORATED ASSOCIATION

☐ PARTNERSHIP

☐ LIMITED PARTNERSHIP

☐ JOINT VENTURE

☐ LIMITED LIABILITY COMPANY

☐ OTHER (Specify type in space below)

5. The information shown below is true and correct for the Contracting Entity and all owners of 5% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer, *i.e.*, president, vice-president, secretary, treasurer, etc. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE POST OFFICE BOXES FOR ANY ADDRESS. INCLUSION OF E-MAIL ADDRESSES IS OPTIONAL, BUT RECOMMENDED. ATTACH ADDITIONAL SHEETS AS NEEDED.]**

Contracting Entity

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

5% Owner(s) or More (IF NONE, STATE "NONE.")

Name: _____

Business Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[NO./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (____) _____

Email Address **[OPTIONAL]** _____

6. Optional Information

Contracting Entity and/or _____ [**NAME OF OWNER OR NON-PROFIT OFFICER**] is actively protesting, challenging or appealing the accuracy and/or amount of taxes levied against _____ [**CONTRACTING ENTITY, OWNER OR NON-PROFIT OFFICER**] as follows:

Name of Debtor: _____
Tax Account Nos. _____
Case or File Nos. _____
Attorney/Agent Name _____
Attorney/Agent Phone No. (____) _____
Tax Years _____

Status of Appeal [**DESCRIBE**] _____

Affiant certifies that he or she is duly authorized to submit the above information on behalf of the Contracting Entity, that Affiant is associated with the Contracting Entity in the capacity noted above and has personal knowledge of the accuracy of the information provided herein, and that the information provided herein is true and correct to the best of Affiant's knowledge and belief.

Affiant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

(Seal)

Notary Public _____

NOTE:

This affidavit constitutes a **government record** as defined by Section 37.01 of the Texas Penal Code. Submission of a false government record is punishable as provided in Section 37.10 of the Texas Penal Code. Attach additional pages if needed to supply the required names and addresses.

EXHIBIT V
ANTI-COLLUSION STATEMENT

Anti-Collusion Statement

The undersigned, as Proposer, certifies that the only person or parties interested in this Proposal as principals are those named herein; that the Proposer has not, either directly or indirectly entered into any Agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the award of this Contract.

Date

Proposer Signature

EXHIBIT VI CONFLICT OF INTEREST QUESTIONNAIRE

CONFLICT OF INTEREST QUESTIONNAIRE:

Chapter 176.006 of the Local Government Code (“the code”) requires a Vendor/Contractor to file a Conflict of Interest Questionnaire (CIQ) with the City.

NOTE: Vendors/Contractors or Agents should **not** complete the CIQ if a conflict, as described below, **does not exist. Only Vendors/Contractors or Agents that actually have a conflict, as described below, must file a CIQ.**

Who must file a CIQ?

A Vendor/Contractor or Agent of a Vendor/Contractor does not have to file a CIQ unless they intend to enter or is considering entering into a contract with the City or:

1. has an employment or other business relationship with the Local Government Officer/Family Member; or
2. has given the Local Government Officer/Family Member one or more gifts with the aggregate value exceeding \$250.00.

When must the Vendor/Contractor or Agent file a CIQ?

The completed CIQ must be filed with the City Chief Procurement Officer not later than the 7th business day after the date the Vendor/Contractor or Agent:

1. begins discussions or negotiations to enter into a contract with the City;
2. submits an application to the City in response to a request for proposals or bids, correspondence, or any other writing related to a potential contract with the City;
3. becomes aware of an employment or other business relations with the Local Government Officer/Family Member;
4. becomes aware that he/she has given one or more gifts to the Local Government Officer/Family Member that exceeds \$250.00; or
5. an event that would make the CIQ incomplete or inaccurate.

What is a business relationship?

Under Chapter 176, business relationship means a connection between two or more parties based on the commercial activity of one of the parties. The term does not include:

1. a transaction that is subject to a rate or fee regulation by a governmental entity;
2. a transaction conducted at a price and subject to terms available to the public; or
3. a purchase or lease of goods or services from a person who is chartered by a state or federal agency and is subject to regular examination and reporting to that agency.

The Conflict of Interest Questionnaire is available for downloading from the Texas Ethics Commission’s website at <http://www.ethics.state.tx.us/forms/CIQ.pdf>.

The Original Conflict of Interest Questionnaire shall be filed with the Administration and Regulatory Affairs Department’s Record Administration (Lourdes Coss, City Chief Procurement Officer, 901 Bagby, Concourse Level, Houston, Texas 77002). Vendors and Contractors required to file shall include a copy of the form as part of the BID/Proposal package. **Any questions about filling out this form should be directed to your attorney.**

**EXHIBIT VI
CONFLICT OF INTEREST QUESTIONNAIRE**

CONFLICT OF INTEREST QUESTIONNAIRE		FORM CIQ
For vendor or other person doing business with local governmental entity		
<p>This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.</p> <p>A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.</p>	<div style="border: 1px solid black; padding: 2px; text-align: center;">OFFICE USE ONLY</div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Date Received</div>	
<div style="border: 1px solid black; padding: 2px;">1 Name of person who has a business relationship with local governmental entity.</div>		
<div style="border: 1px solid black; padding: 2px;"><div style="display: flex; align-items: flex-start;"><div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 10px;"></div><div><p>2 Check this box if you are filing an update to a previously filed questionnaire.</p><p>(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)</p></div></div></div>		
<div style="border: 1px solid black; padding: 2px;"><div style="display: flex; align-items: flex-start;"><div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 10px;"></div><div><p>3 Name of local government officer with whom filer has employment or business relationship.</p><div style="margin-top: 10px; text-align: center;"><div style="border-bottom: 1px solid black; width: 200px; margin: 0 auto;"></div><p>Name of Officer</p></div><p>This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.</p><p>A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?</p><div style="display: flex; justify-content: space-around; margin-top: 5px;"><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div><p>B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?</p><div style="display: flex; justify-content: space-around; margin-top: 5px;"><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div><p>C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?</p><div style="display: flex; justify-content: space-around; margin-top: 5px;"><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div><p>D. Describe each employment or business relationship with the local government officer named in this section.</p></div></div></div>		
<div style="border: 1px solid black; padding: 2px;"><div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="width: 60%;"><div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div><p>Signature of person doing business with the governmental entity</p></div><div style="width: 35%; text-align: center;"><div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div><p>Date</p></div></div></div>		

Adopted 06/29/2007